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09/975,037	10/10/2001	Norman F. Krasner	000739	7627

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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LE, DUY K

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/07/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,037

Applicant(s)

KRASNER ET AL.

Examiner

Duy K Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. During a telephone conversation with Attorney Donald Kordich on 3/23/2004 a provisional election was made without traverse to prosecute the invention of Krasner, claims 1-35. Affirmation of this election must be made by applicant in replying to this Office action. Claims 36-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (WO 98/52379).

As to claim 1, Figure 4 in Johansson shows a method for communicating a location for a mobile system ("Fig. 4 is a flowchart illustrating one embodiment of the inventive method, where a second party A2 desires information concerning the location of the mobile station MS" (page 10, lines 14-17)) comprising:

obtaining a location for a first mobile system ("the switching center begins to collect locational data relating to the mobile station MS, upon receipt of the command K1. The collected

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locational data is then sent to the mobile locating node MPC, in accordance with step B4" (page 11, lines 13-16));

obtaining permission criteria associated with the first mobile system ("this is corresponded by a step B3 in Fig. 4, i.e. the step in which the mobile locating state of the indicator is checked. If mobile locating is allowed, i.e. Yes to the question in step B3 of Figure 4, the command K1 is forwarded to the GMSC P to the mobile switching center MSC" (page 11, lines 6-11)); and

transmitting the location for the first mobile system to a second mobile system in accordance with the permission criteria ("the mobile locating node MPC then establishes the location of the mobile station MS with the aid of the locational data received, and presents the result to the second party A2 in a message M2, in accordance with step B5" (page 11, lines 18-22)).

As to claim 2, Figure 4 in Johansson shows the method of claim 1, wherein the location is transmitted in response to a request from the second mobile system for the location of the first mobile system ("in a first step B1, the second party A2 sends a request M1 to the mobile locating node MPC asking to be informed of the whereabouts of the mobile station MS" (page 10, lines 17-19). "The mobile locating node MPC then establishes the location of the mobile station MS with the aid of the locational data received, and presents the result to the second party A2 in a message M2, in accordance with step B5" (page 11, lines 18-22)).

As to claim 3, Figure 4 in Johansson shows the method of claim 1, wherein the permission criteria is obtained from the first mobile system in response to the request from the second mobile system ("this is corresponded by a step B3 in Fig. 4, i.e. the step in which the

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mobile locating state of the indicator is checked. If mobile locating is allowed, i.e. Yes to the question in step B3 of Figure 4, the command K1 is forwarded to the GMSC P to the mobile switching center MSC" (page 11, lines 6-11)).

As to claim 4, the Johansson reference discloses the method of claim 1, wherein the permission criteria is obtained from a stored list of permission criteria associated with the first user and wherein said first mobile system comprises a satellite positioning system receiver ("it is also possible to divide the right to know the locations of mobile stations in accordance with different authority gradings. For instance, a low priority in this respect may mean that the second party A2 may only be told within which part of the country the mobile station MS is located" (page 15, lines 1-7). "In this latter case, the mobile station MS will be equipped for collecting mobile station MS location data, such equipment being a GPS terminal" (page 25, lines 20-22)).

As to claim 5, the Johansson reference discloses the method of claim 1, wherein the permission criteria is selectively set by a user of the first mobile system and can be changed by the user ("the arrangement includes an indicator I provided in the home location register HLR. The user A1 is able to set the indicator I to indicate either one of two states, i.e. a permission granted state or a permission not-granted state. The user A1 sets the indicator to the desired state" (page 9, lines 10-15)).

As to claim 6, the Johansson reference discloses the method of claim 1, wherein the permission criteria specifies when the location for the first mobile system can be transmitted to the second mobile system ("in step C4, a check is run to ascertain whether the mobile locating request has been made in an emergency situation. An emergency situation can be reported, for instance, by the second party saying as such in conjunction with the mobile locating request, and

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by the second party indicating that it has an alarm center status. In the event of an emergency, i.e. the answer to the question in step C4 is Yes, step C6 is carried out" (page 13, lines 6-13). See also Figure 5 and page 15, lines 9-20).

As to claim 7, the Johansson reference discloses the method of claim 1, wherein the permission criteria specifies an area within which locations for the first mobile system can be transmitted to the second mobile system ("another embodiment of the invention can be used ideally when the user A1 of the mobile station MS contacts a service provided A2 and requests a service therefrom. In order to carry the service, the service provider A2 needs to know of the geographical whereabouts of the user A1. This service may involve a route description or the whereabouts of the nearest hamburger restaurant. Fig. 6 is a flowchart that illustrates this procedure. The user A1 initially contacts the service provider A2 and requests a service for which the geographical location of the user A1 is a necessary integral" (page 18, line 30 to page 19, line 5). "It is also possible to divide the right to know the locations of mobile stations in accordance with different authority gradings. For instance, a low priority in this respect may mean that the second party A2 may only be told within which part of the country the mobile station MS is location" (page 15, lines 2-7)).

As to claim 8, the Johansson reference discloses the method of claim 1, wherein the first mobile system comprises a position location system that determines position information for the first mobile system and further comprises a communication transmitter that transmits the position information ("alternatively, data collection can be effected at a node other than the mobile switching center MSC. This other node may, for instance, be the base station controller BSC, the mobile station MS, or at the mobile station MS. In this latter case, the mobile station MS will be

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equipped for collecting mobile station MS location data, such equipment being a GPS terminal.

In the aforementioned examples, the command K1 concerning the location of a mobile station is sent with the aid of a modified short message" (page 25, lines 16-26)).

As to claim 9, the Johansson reference discloses the method of claim 8, wherein obtaining a location for a first mobile system comprises deriving the location from the position information transmitted by the first mobile system ("this data collection can include the switching center being responsible for determining the location of the mobile station, for instance by measuring the wave propagation delay between the mobile station MS and one or more of the base stations BTS1-BTS3" (page 25, lines 5-10). See also page 25, lines 16-26).

As to claim 10, Figure 5 in Johansson shows the method of claim 1, further comprising: receiving a request for the location of the first mobile system (MS) from a third mobile system (A2) (step B1);

attempting to obtain permission criteria pertaining to the third user (step C3); and

denying the request from the third mobile system as a result of the attempt (step C9).

As to claim 11, Figure 5 in Johansson shows the method of claim 10, wherein the request from the third mobile system is denied when there is no permission criteria pertaining to the third user (steps C3 and C9).

As to claim 12, Figure 5 in Johansson shows the method of claim 10, wherein the request from the third mobile system is denied in accordance with the obtained permission criteria (steps C3 and C9).

As to claim 13, Figure 5 in Johansson shows the method of claim 10, wherein attempting to obtain the permission criteria comprises searching a stored list of permission criteria associated with the first user (steps C3, C4, and C5).

As to claim 14, Figure 5 in Johansson shows the method of claim 10, wherein attempting to obtain the permission criteria comprises requesting the permission criteria from the first mobile system (step C5) (see also page 13, lines 15-27).

As to claim 15, Figure 2 in Johansson shows a communications system for locating a mobile system comprising:

a first mobile system (A1, MS) operable for connecting to a network and for sending position information for the first mobile system and a permission criteria associated with the first mobile system to the network (see page 9, line 8 to page 10, line 2);

a server system (GMSC P, HLR) operable for connecting to the network, for receiving the position information and permission criteria associated with the first mobile system from the network, and for sending a location of the first mobile system derived from the position information to the network in accordance with the permission criteria (see page 9, line 8 to page 10, line 2); and

a second mobile system (MPC) operable for connecting to the network and for receiving the location of the first mobile system sent by the server system from the network (see page 9, line 8 to page 10, line 2).

As to claim 16, Figure 2 in Johansson shows the communications system of claim 15, wherein the server system (GMSC P, HLR) is further operable for storing the permission criteria



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associated with the first mobile system (A1, MS) in a permanent medium (HLR) (see also page 10, lines 4-12 and Figure 3).

As to claim 17, Figure 2 in Johansson shows the communications system of claim 15, wherein the second mobile system (MPC) is further operable for sending a request for the location of the first mobile system to the network (see page 9, line 34 to page 10, line 2).

As to claim 18, Figure 2 in Johansson shows the communications system of claim 17, wherein the server system is further operable for receiving the request from the network and for evaluating the permission criteria pertaining to the second mobile system (see also page 10, line 14 to page 11, line 11 and Figure 4).

As to claim 19, Figure 2 in Johansson shows the communications system of claim 17, wherein the server system is further operable for sending an error message to the network when the permission criteria does not permit the location of the first mobile system to be sent to the second mobile system, and wherein the second mobile system is further operable for receiving the error message from the network (see page 11, line 24 to page 12-line 3, and Figure 4, steps B3 and B6).

As to claim 20, Figure 2 in Johansson shows a mobile communications system comprising:

a processor (MPC) coupled to a memory and further operable for connecting to a network (see page 10, lines 21-29);

a communication process executed by the processor from the memory to cause the processor to send position information for the mobile communications system to the network and to further cause the processor to send a permission criteria pertaining to another mobile

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communications system to the network (see page 10, lines 21-29 and page 12, line 32 to page 13, line 4).

As to claim 21, Figure 2 in Johansson shows the mobile communications system of claim 20, wherein the communication process further causes the processor to receive a query for the permission criteria pertaining to another mobile communications system from the network (see page 11, lines 24-31).

As to claim 22, Figure 2 in Johansson shows the mobile communications system of claim 20, wherein the communication process further causes the processor to send a query for a location of another mobile communications system to the network and to receive a response to the query from the network (see page 10, line 14 to page 11, line 31 and Figure 4).

As to claim 23, Figure 2 in Johansson shows the mobile communications system of claim 20, wherein the communication process further causes the processor to receive a location for another mobile communications system from the network (see page 10, line 14 to page 11, line 31 and Figure 4).

As to claim 24, Figure 2 in Johansson shows a server system (MSC, GMSC P, HLR) comprising:

- a processor (GMSC P) coupled to a system bus and further operable for connecting to a network;

- a memory (HLR) coupled to the processor through the system bus; and

- a computer readable medium (HLR) coupled to the processor through the system bus and having stored thereon a location service, wherein execution of the location service by the processor causes the processor to receive position information for a mobile system and a

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permission criteria associated with the mobile system from the network, to derive a location for the first mobile system from the position information, and to send the location for the mobile system to the network (see page 9, line 8 to page 11, line 16).

As to claim 25, Figure 2 in Johansson shows the server system of claim 24, wherein the location service further causes the processor (GMSC P) to store the permission criteria associated with the mobile on the computer readable medium (HLR) (see page 9, lines 8-24).

As to claim 26, Figure 2 in Johansson shows the server system of claim 24, wherein the location service further causes the processor to receive a request for the location of the mobile system from the network, and to evaluate the permission criteria to determine whether to send the location for the mobile system to the network in response to the request (see page 10, line 21 to page 11, line 16).

As to claim 27, Figure 2 in Johansson shows the server system of claim 24, wherein the location service further causes the processor to send a request for the permission criteria to the network (see page 10, line 31 to page 11, line 6).

As to claim 28, Figure 2 in Johansson shows a computer-readable medium (HLR) having stored thereon computer executable instructions to cause a server system (GMSC P, MSC) and a mobile communications system (A1, MS) to perform a method comprising:

sending, by the mobile communication system to the server system, position information for the mobile communications system (see page 11, lines 13-15 and page 25, lines 1-22);

receiving, by the server system, the position information (see page 11, lines 13-15);

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sending, by the server system to a different mobile communications system (MPC, A2), a location derived from the position information in accordance with a permission criteria for the different mobile communications system (see page 11, lines 6-22).

As to claim 29, Figure 2 in Johansson shows the computer readable medium of claim 28, further comprising:

sending, by the mobile communication system to the server system, the permission criteria associated with the mobile communications system (see page 9, lines 8-24); and

receiving, by the server system, the permission criteria (see page 9, lines 8-24).

As to claim 30, the Johansson reference discloses the computer readable medium of claim 28, further comprising:

receiving, by the server system from the different mobile communications system (A2, MPC), a request for the location (see Figure 4 and page 10, lines 14-27).

As to claim 31, the Johansson reference discloses the computer readable medium of claim 28, further comprising:

sending, by the server system to the mobile communications system, a query for the permission criteria (see Figure 6, step E4 and page 19, lines 21-29).

As to claim 32, Figures 2 and 3 in Johansson show a computer-readable medium (MPC, GSMC P, HLR) ("an alternative solution is to include the mobile locating node MPC as an integrated part of one of the nodes of the mobile communications system, for instance an integrated part of the GMSC P" (page 26, lines 3-7)) having stored thereon a permissions criteria data structure comprising:

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an owner identifier field (DA) containing data representing an identifier for a first mobile communications system that owns the permissions criteria data structure (see Figure 3 and page 10, lines 4-12); and

a requestor entry (I) containing data representing permissions granted to a second mobile communications system by the first mobile communications system identified by the owner identifier field (see page 9, lines 10-24).

As to claim 33, the Johansson reference discloses the computer-readable medium of claim 32, wherein the requestor entry comprises:

a requestor identifier field containing data representing an identifier for the second mobile communications system (see Figure 9 and page 27, lines 7-18).

As to claim 34, the Johansson reference discloses the computer-readable medium of claim 33, wherein the requestor entry further comprises:

an area criteria field containing data representing a geographic area specified by the first mobile communications system ("it is also possible to divide the right to know the locations of mobile stations in accordance with different authority gradings. For instance, a low priority in this respect may mean that the second party A2 may only be told within which part of the country the mobile station MS is location" (page 15, lines 2-7)).

As to claim 35, the Johansson reference discloses the computer readable medium of claim 33, wherein the requestor entry further comprises:

a time criteria field containing data representing a time period specified by the first mobile communications system ("according to a further option the state of subscriber indicator SI is changed at predefined times. The change is made by a state control module in the mobile

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communication system. The state control module includes a clock and data program module. It is programmed by the operator to change the state at times predefined by the subscriber. By this further option the firm of haulage contractors can prevent the employed truck driver from changing the state of the indicator I during his work period" (page 16, line 30 to page 17, line 4)).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Havinis et al. (U.S. Patent 6,463,288) discloses system and method for monitoring positioning requests for mobile subscribers.
- b. Stern et al. (U.S. Patent Application Publication 2003/0008662 A1) discloses systems and methods wherein a mobile user device operates in accordance with a location policy and user device information.
- c. Havinis et al. (U.S. Patent 6,360,102) discloses system and method for defining a subscriber location privacy profile.
- d. Nykanen et al. (U.S. Patent Application Publication 2002/0173317 A1) discloses system and method for location based web services.
- e. Walsh (U.S. Patent 6,662,014) discloses location privacy manager for a wireless communication device and method therefor.

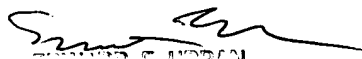
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy K Le whose telephone number is 703-305-5660. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duy Le  
March 31, 2004

  
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